

Docket No.: 0690-0126PUS1  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Oliver WAGNER et al.

Application No.: NEW

Confirmation No.: N/A

Filed: January 4, 2006

Art Unit: N/A

For: ARYL-CONDENSATED 3-ARYLPYRIDINE  
COMPOUNDS AND USE THEREOF FOR  
CONTROLLING PATHOGENIC FUNGI

Examiner: Not Yet Assigned

**INFORMATION DISCLOSURE STATEMENT (IDS)**

MS Assignment Recordation Services  
Director of the US Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement accompanies the new patent application submitted herewith.

Applicant has not submitted copies of each cited U.S. patent and U.S. patent application as required by 37 CFR 1.98(a)(2)(i), amended October 2004, as the U.S. Patent and Trademark Office has waived this requirement for all U.S. patent applications. Applicant submits herewith copies of foreign and non-patents in accordance with 37 CFR 1.98(a)(2).

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A concise explanation of relevance of some of the items listed on form PTO/SB/08 is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references. Furthermore, please note that EP 0 071 792, which is cited in the specification corresponds to U.S. Patent 4,567,263; WO 03/022850, which is cited in the specification, corresponds to U.S. Patent Publication 2004/0235865. Additionally, EP 0550 113; WO 02/48151; US 5,994,360; US 5,801,183; and WO 96/22990 are all cited in the specification.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such. It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: January 4, 2006

Respectfully submitted,

By 

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Substitute for form 1449A/B/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				Application Number	NEW
				Filing Date	January 4, 2006
				First Named Inventor	Oliver WAGNER
				Art Unit	N/A
				Examiner Name	Not Yet Assigned
Sheet	1	of	1	Attorney Docket Number	0690-0126PUS1

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
/Z.T./	AA*	US-5,801,183-A	09-01-1998	KEANA et al.	
	AB*	US-4,567,263-A	01-28-1986	Eicken et al.	
	AC*	US-5,994,360-A	11-30-1999	Pfrengele	
	AD*	US-2004/0235865-A1	11-25-2004	Ikegami	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	† <sup>6</sup>
	BA	EP-0 550 113-A2	07-07-1993			
	BB	WO-02/48151-A1	06-20-2002			
	BC	WO-96/22990-A3	08-01-1996			
	BD	WO-2004/056826-A1	07-08-2004			
	BE	WO-2004/056825-A1	07-08-2004			
	BF	WO-2004/056824-A2	07-08-2004			
/Z.T./	BG	EP-0 071 792-A	02-16-1983			
	BH	WO-03/022850-A1	03-20-2003			
	BI	EP-0 275 520-A1	07-27-1988			

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. \* CITE NO.: Those application(s) which are marked with a single asterisk (\*) next to the Cite No. are not supplied (under 37 CFR 1.98(a)(2)(iii)) because that application was filed after June 30, 2003 or is available in the IFW. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		
/Z.T./	CA	CHEN et al., Journal of Heterocyclic Chemistry, Vol. 30, No. 4, July 1993, pages 909-912.		
/Z.T./	CB	WAMHOFF et al., Chemische Berichte, Verlag Chemie GmbH, Weinheim, Vol. 111, No. 7, 1978, pages 2813-2824.		

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature	/Zachary Tucker/	Date Considered	03/18/2008
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